



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/007,794      | 12/05/2001  | Kenji Tabata         | 04995/042001        | 1844             |

22511 7590 06/06/2005

OSHA LIANG L.L.P.  
1221 MCKINNEY STREET  
SUITE 2800  
HOUSTON, TX 77010

EXAMINER

JELINEK, BRIAN J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2615

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/007,794

Applicant(s)

TABATA, KENJI

Examiner

Brian Jelinek

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2615

### **DETAILED ACTION**

This is a first office action in response to application no. 10/007,794 filed on 12/5/2001 in which claims 1-5 are presented for examination.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al. (U.S. Pat. No. 6,064,834) in view of Malloy Desormeaux (U.S. Pat. No. 6,577,821).**

Regarding claim 1, Fukuda discloses an electronic camera (Fig. 1, element 10), comprising: image record member for recording images (Fig. 2,

Art Unit: 2615

element 120), which are formed within length-direction image pickup effective ranges (Fig. 5, element 68A; Fig. 8) and breadth-direction image pickup effective ranges (Fig. 6, element 68B; Fig. 9) set in film disposed in a main body of said electronic camera, image pickup effective range change member (Fig. 2, element 30) for changing the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges in the film; and an image pickup effective range setting table (Fig. 2, elements 32 and 34) having a register (Fig. 3, element 28) of a plurality of records (Fig. 3, element 62 and 64) respectively indicating correspondences between the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges, wherein said image pickup effective range change member includes a length-direction range change button (Fig. 1, element 28) capable of executing an input operation to increase the length-direction image pickup effective ranges, and a breadth-direction range change button (Fig. 1, element 28) capable of executing an input operation to increase the breadth-direction image pickup effective ranges; and said image pickup effective range change member (Fig. 1, element 28) is member which, when said length-direction range change button or said breadth-direction range change button is operated, changes the length-direction image pickup effective ranges and breadth-direction image pickup effective ranges using the image pickup effective range setting table (Figs. 3-6).

The Examiner is interpreting the camera of Fukuda as an electronic camera because the camera comprises an illuminated finder, strobe, and auto focus light emitting and receiving parts (col. 4, lines 23-40).

Art Unit: 2615

Furthermore, the Examiner is interpreting the switching frames (Fig. 2, elements 32 and 34) as an image pickup effective range setting table because the frames form a planar light-shielding device (Merriam-Webster Dictionary, table: something that resembles a table especially in having a plane surface). Furthermore, the Examiner interprets the switching lever (Fig. 3, element 28) as a register having a plurality of records because each of its alignment grooves (Fig. 3, element 62 and 64) records the position of proper alignment such that the switching frames are correctly registered with the film to expose either a portrait or landscape image (Merriam-Webster Dictionary, register: a condition of correct alignment or proper relative position).

Fukuda does not disclose recording images in a solid state image pickup device disposed in a main body of said electronic camera, into a record medium in a form of electronic data. However, Malloy Desormeaux discloses an electronic CCD camera with an electronic recording medium (Fig. 25, element 58) and an oversized solid state image pickup device (Fig. 25, CCD 24) that captures a large field of view comprising both the portrait and landscape fields of view (Figs. 9-11, and 51). Furthermore, Malloy Desormeaux discloses the camera enables a user to change the effective image pickup range by selecting either the landscape or portrait orientations, which mimic a 90 degree rotation of the camera (Figs. 9-11; col. 21, lines 5-26; col. 41, line 23-col. 44, line 27, in particular col. 43, lines 23-47). One of ordinary skill in the art would have provided the exposure orientation switching film camera of Fukuda with the oversized CCD imager of Malloy Desormeaux in order to provide a CCD imager

Art Unit: 2615

capable of capturing digital images in either the portrait or landscape orientation without the necessity of rotating the camera (Malloy Desormeaux: Fig. 9-11; Fukuda: col. 5, line 66-col. 6, line 3). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the exposure orientation switching film camera of Fukuada with the oversized CCD imager of Malloy Desormeaux in order to provide a CCD imager capable of capturing digital images in either the portrait or landscape orientation without the necessity of rotating the camera.

Regarding claim 2, Fukuda discloses an electronic camera (Fig. 1, element 10), comprising: image record member for recording images (Fig. 2, element 120), which are formed within length-direction image pickup effective ranges (Fig. 5, element 68A; Fig. 8) and breadth-direction image pickup effective ranges (Fig. 6, element 68B; Fig. 9) set in film disposed in a main body of said electronic camera, image pickup effective range change member (Fig. 2, element 30) for changing the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges in the film; wherein said image pickup effective range change member includes a length-direction range change button (Fig. 1, element 28) capable of executing an input operation to increase the length-direction image pickup effective ranges, and a breadth-direction range change button (Fig. 1, element 28) capable of executing an input operation to increase the breadth-direction image pickup effective ranges; and said image pickup effective range change member (Fig. 1, element 28) is member which, when said length-direction range change button or said breadth-direction range

Art Unit: 2615

change button is operated, changes the length-direction image pickup effective ranges and breadth-direction image pickup effective ranges in such a manner that the area of said image pickup effective ranges in the film is capable to provide a constant value (Figs. 8-9).

The Examiner is interpreting the camera of Fukuda as an electronic camera because the camera comprises an illuminated finder, strobe, and auto focus light emitting and receiving parts (col. 4, lines 23-40).

Fukuda does not disclose recording images in a solid state image pickup device disposed in a main body of said electronic camera, into a record medium in a form of electronic data. However, Malloy Desormeaux discloses an electronic CCD camera with an electronic recording medium (Fig. 25, element 58) and an oversized solid state image pickup device (Fig. 25, CCD 24) that captures a large field of view comprising both the portrait and landscape fields of view (Figs. 9-11, and 51). Furthermore, Malloy Desormeaux discloses the camera enables a user to change the effective image pickup range by selecting either the landscape or portrait orientations, which mimic a 90 degree rotation of the camera (Figs. 9-11; col. 21, lines 5-26; col. 41, line 23-col. 44, line 27, in particular col. 43, lines 23-47). One of ordinary skill in the art would have provided the exposure orientation switching film camera of Fukuda with the oversized CCD imager of Malloy Desormeaux in order to provide a CCD imager capable of capturing digital images in either the portrait or landscape orientation without the necessity of rotating the camera (Malloy Desormeaux: Fig. 9-11; Fukuda: col. 5, line 66-col. 6, line 3). As a result, it would have been obvious to

Art Unit: 2615

one of ordinary skill in the art at the time of the invention to have provided the exposure orientation switching film camera of Fukuada with the oversized CCD imager of Malloy Desormeaux in order to provide a CCD imager capable of capturing digital images in either the portrait or landscape orientation without the necessity of rotating the camera.

Regarding claim 3, Fukuda discloses an electronic camera (Fig. 1, element 10), comprising: image record member for recording images (Fig. 2, element 120), which are formed within length-direction image pickup effective ranges (Fig. 5, element 68A; Fig. 8) and breadth-direction image pickup effective ranges (Fig. 6, element 68B; Fig. 9) set in film disposed in a main body of said electronic camera, image pickup effective range change member (Fig. 2, element 30) for changing the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges in the film, that is, said length-direction image pickup effective ranges and said breadth-direction image pickup effective ranges.

The Examiner is interpreting the camera of Fukuda as an electronic camera because the camera comprises an illuminated finder, strobe, and auto focus light emitting and receiving parts (col. 4, lines 23-40).

Fukuda does not disclose recording images in a solid state image pickup device disposed in a main body of said electronic camera, into a record medium in a form of electronic data. However, Malloy Desormeaux discloses an electronic CCD camera with an electronic recording medium (Fig. 25, element 58) and an oversized solid state image pickup device (Fig. 25, CCD 24) that



Art Unit: 2615

captures a large field of view comprising both the portrait and landscape fields of view (Figs. 9-11, and 51). Furthermore, Malloy Desormeaux discloses the camera enables a user to change the effective image pickup range by selecting either the landscape or portrait orientations, which mimic a 90 degree rotation of the camera (Figs. 9-11; col. 21, lines 5-26; col. 41, line 23-col. 44, line 27, in particular col. 43, lines 23-47). One of ordinary skill in the art would have provided the exposure orientation switching film camera of Fukuda with the oversized CCD imager of Malloy Desormeaux in order to provide a CCD imager capable of capturing digital images in either the portrait or landscape orientation without the necessity of rotating the camera (Malloy Desormeaux: Fig. 9-11; Fukuda: col. 5, line 66-col. 6, line 3). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the exposure orientation switching film camera of Fukuada with the oversized CCD imager of Malloy Desormeaux in order to provide a CCD imager capable of capturing digital images in either the portrait or landscape orientation without the necessity of rotating the camera.

Regarding claim 4, Fukuda discloses and an image pickup effective range setting table (Fig 2, elements 32 and 34) having a register (Fig. 3, element 28) of a plurality of records (Fig. 3, element 62 and 64) respectively indicating correspondences between the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges, wherein said image pickup effective range change member (Fig. 1, element 28) is member which, when there is a change instruction for said length-direction range change button or said

Art Unit: 2615

breadth-direction range change button, changes the length-direction image pickup effective ranges and breadth-direction image pickup effective ranges using the image pickup effective range setting table (Figs. 3-6).

The Examiner is interpreting the switching frames (Fig. 2, elements 32 and 34) as an image pickup effective range setting table because the frames form a planar light-shielding device (Merriam-Webster Dictionary, table: something that resembles a table especially in having a plane surface). Furthermore, the Examiner interprets the switching lever (Fig. 3, element 28) as a register having a plurality of records because each of its alignment grooves (Fig. 3, element 62 and 64) records the position of proper alignment such that the switching frames are correctly registered with the film to expose either a portrait or landscape image (Merriam-Webster Dictionary, register: a condition of correct alignment or proper relative position).

Regarding claim 5, Fukuda discloses the image pickup effective range change member is member which, when there is input a change instruction (Fig. 1, element 28) for said length-direction range change button or said breadth-direction range change button, changes the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges in such a manner that the area of the image pickup effective ranges in the film is capable to provide a constant value (Figs. 8-9).

### ***Conclusion***

Art Unit: 2615

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366 thereafter. The examiner can normally be reached on M-F 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached at (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek  
5/31/2005

*Reviewer :*



*Examiner : Lin Ye*

*Art Unit : 2615*